

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Paramount Petroleum  
Corporation  
14700 Downey Avenue  
Paramount, California 90723  
ID No. CAD008371098

Respondent.

Docket HWCA 20040598

CONSENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Paramount Petroleum Corporation, a Delaware Corporation doing business in California (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates hazardous waste at the following site:  
14700 Downey Avenue, Paramount, California (Site).

1.3. Inspection. The Department inspected the Site on June 11 and 12, 2003.

1.4. Authorization Status. The Respondent generates the following hazardous waste: oil bearing sludge, tank bottoms, heat exchanger bundle sludge, spent catalyst, waste paint and asbestos.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. By their respective signatures below, the Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. This Order shall constitute full

settlement of the violations alleged below. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent provided in this Order.

#### VIOLATIONS ALLEGED

2. The Department alleges the following violations:

2.1. The Respondent violated Health and Safety Code, Section 25201(a), in that on or about June 11 and 12, 2003, Respondent disposed of hazardous waste without a permit or other grant of authorization by allowing hazardous waste to leak from the following containers onto the floor of the hazardous waste storage area:

- (1) One 55-gallon drum of Polymer W-109
- (2) One 55-gallon drum of Caustic Soda Beads (Sodium Hydroxide)
- (3) H-907 Sludge - One 5-gallon metal can of H-907 Sludge

2.2. The Respondent violated Health and Safety Code, Section 25201(a), in that on or about June 11 and 12, 2003, Respondent treated waste emulsion latex paint (WP-1156) without a permit or other grant of authorization from the Department by pouring emulsion latex paint (WP-1156) onto a plastic tarp and allowing it to dry prior to disposal. The waste emulsion latex paint (WP-1156) was tested for hazardous waste toxicity characteristics. The waste emulsion latex paint (WP-1156) failed the toxicity test (fish bioassay).

2.3. The Respondent violated California Code of Regulations, title 22, section 66262.11 in that on or about June 11 and 12, 2003, Respondent failed to determine if the following wastes were hazardous by testing or applying knowledge of the hazardous characteristics of the wastes:

- (1) Emulsion latex paint (WP-1156)
- (2) Oily Asphalt Trash

Both waste streams were sampled on July 11, 2003 and failed the toxicity test (fish bioassay).

2.4. The Respondent violated California Code of Regulations, title 22, section 66262.34(a)(3), in that on or about June 11 and 12, 2003, Respondent failed to label or mark clearly the following hazardous waste containers with the words "Hazardous Waste" and additional information as required by this section for the following waste streams:

- (1) 23 cardboard drums of waste emulsion latex paint (WP-1156)
- (2) Two 55-gallon metal drums of Polymer W-109 waste
- (3) One 55-gallon cardboard drum of Caustic Soda Beads (Sodium Hydroxide)
- (4) One 55-gallon metal drum of Oily Asphalt Trash
- (5) One 30-gallon and one 5-gallon can of H-907 Sludge

2.5. The Respondent violated California Code of Regulations, title 22, section 66265.171, in that on or about June 11 and 12, 2003, Respondent failed to transfer hazardous waste from the following containers in poor condition to containers in good condition:

- (1) One 55-gallon metal drum of Polymer W-109
- (2) One 55-gallon cardboard drum of Caustic Soda Beads (Sodium Hydroxide)
- (3) One 5-gallon metal can of H-907 Sludge

Failure to transfer these hazardous waste streams into containers in good condition resulted in these waste streams leaking onto a concrete floor within the hazardous waste storage area.

2.6. Respondent violated California Code of Regulations, title 22, section 66265.173(a), in that on or about June 11 and 12, 2003, Respondent failed to

maintain the following hazardous waste containers which were located in the hazardous waste storage area, closed while not in use:

- (1) One 55-gallon cardboard drum of Caustic Soda Beads  
(Sodium Hydroxide)
- (2) One full 30-gallon metal drum of H-907 Sludge
- (3) One full 5-gallon metal can of H-907 Sludge
- (4) One 30-gallon drum, about 1/4 full of oily asphalt trash liquids.

#### SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.2. Submittals. All submittals from Respondent pursuant to this Consent

Order shall be sent simultaneously to:

Ms. Astrid Brown, Unit Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
1515 Tollhouse Road  
Clovis, California 93611

Ms. Charlene Williams, Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Building F, Suite 200  
Berkeley, California 94533

Mr. Bill Jones, Chief  
Los Angeles County Fire Department  
5825 Rickenbacker Road  
Commerce, California 90040-3027

3.3. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent

may be required to take such further actions as are necessary to protect public health or welfare or the environment.

3.4. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law.

3.5. Sampling, Data, and Document Availability.

3.5.1. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.5.2. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

- (a) comply with that request,
- (b) deliver the documents to the Department, or
- (c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.6. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property

resulting from acts or omissions by Respondent, or related parties specified in paragraph 4.3, in carrying out activities pursuant to this Order, nor shall the State of California or the Department be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

3.7. Incorporation of Plans and Reports. All plans, schedules, and reports that were submitted by Respondent pursuant to the violations set forth above and/or this schedule for compliance and were approved by the Department are hereby incorporated into this Order.

#### OTHER PROVISIONS

4.1. Additional Enforcement Action. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent provided in this Order.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.5. Time Periods. "Days" for the purpose of this Order means calendar days.

4.6. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

4.7. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### PENALTY

5.1. Respondent shall pay the Department the total sum of \$29,000, which includes \$2,503.83 as reimbursement of the Department's costs incurred in connection with this matter.

5.2. Payment is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Ms. Astrid Brown, Unit Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
1515 Tollhouse Road  
Clovis, California 93611

Ms. Charlene Williams, Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Building F, Suite 200  
Berkeley, California 94533

Mr. Joseph Smith, Staff Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23rd floor  
P. O. Box 806  
Sacramento, California 95812-0806

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

EFFECTIVE DATE

6. The effective date of this Order is the date it is signed by the Department.

Dated: 2/4/05

(Original signed by June Christman)

Ms. June Christman, Director  
Environmental Services  
Paramount Petroleum Corporation  
14700 Downey Avenue  
Paramount, California 90723

Respondent

Dated: 2/7/05

(Original signed by Astrid Brown)

Astrid L. Brown, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control